



02-3594  
Federal Communications Commission  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

October 14, 2003

Stephen T. Perkins  
Cavalier Telephone, LLC  
2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342

Karen Zacharia  
Kathleen M. Grillo,  
Verizon Virginia, Inc.  
1515 North Court House Road  
Arlington, Virginia 22201

**Re: Arbitration of Interconnection Agreement Between Cavalier and Verizon,**  
**WCB Docket No. 02-359, Hearing Schedule and Procedures**

Dear Counsel:

This letter addresses certain procedural and scheduling matters related to the Arbitration Hearing that were discussed at today's pre-hearing conference. These procedures are in addition to those set forth in the procedural public notice in this proceeding released on August 25, 2003, DA 03-2733.

Arbitration Hearing: The arbitration hearing will begin at 9:15 on the morning of Thursday, October 15, in Room 5-B516 in the FCC's headquarters building. We wish to start promptly and request that all parties allow themselves plenty of time to pass through the Commission's security desk with the materials they will be bringing to the hearing. Additionally, we ask that you ensure that the court reporter also arrives early enough to accomplish the necessary set-up in a timely manner.

In conducting the hearing, we plan generally to adhere to the attached schedule, which allocates approximately 20 minutes per issue for each party for cross examination of opposing witnesses, as well as at least 20 minutes for Commission staff to question the witnesses. We expect the parties to adhere to their respective time limits unless otherwise permitted, although Commission staff may afford itself additional time in its discretion. The parties have indicated they will not make opening statements, thus no time has been allotted for such statements. The issues will be heard in the order set forth on the attached schedule. Issues will only be taken out of that order if necessary to accommodate unforeseen circumstances involving a witness's schedule.

The order of cross-examination (*i.e.*, which party goes first) will alternate, with Cavalier going first. Only one lawyer per party per issue may cross-examine the

witnesses for that issue. Panels of witnesses will be permitted for those issues for which more than one witness has been designated. For testimony presented in panels, counsel may direct each question to a particular witness or to the panel generally. If addressed to the panel, the first witness to respond must finish before another witness can offer any testimony.

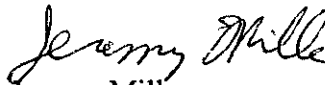
Commission staff will generally attempt to hold its questions until after cross-examination of each witness or panel, although it reserves the right to interject questions at any time during cross-examination. To further expedite the process of cross-examination, parties must exchange any documents not previously entered into the record of this proceeding that they plan to address during their cross examinations a day in advance, except those documents introduced for the purpose of impeaching a witness.

Waiver of Cross-Examination/Written Surrebuttal Testimony. The parties have indicated that they have mutually decided to waive cross-examination on the following issues: Issues C6; C12; C17; C21; C24; and C25. Commission staff, however, does have questions on these issues and has built time into the schedule to question the witnesses.

Finally, the parties have each submitted certain objections to each other's witnesses and/or evidence. A letter ruling on these objections will be issued tomorrow.

If the parties have any questions regarding this correspondence, please contact Terri Natoli at (202) 418-1574 or at [Terri.Natoli@fcc.gov](mailto:Terri.Natoli@fcc.gov).

Sincerely,



Jeremy Miller

Competition Policy Division,  
Wireline Competition Bureau

Attachment

cc: Richard U. Stubbs, Cavalier  
Kimberly A. Newman, Counsel for Verizon

ARBITRATION HEARING SCHEDULE\*  
Cavalier –Verizon, WCB Docket No. 02-359  
October 16-17, 2003

**October 16, 2003**

9:15am - 9:30am	Arbitrator's Opening Remarks
9:30am - 10:30am	Issue C2
10:30am - 12:30pm	Issues C3, C4, C5
12:30pm - 1:30pm	Lunch Break
1:30pm - 2:30pm	Issues C6, C17 **
2:30pm -3:30pm	Issue C10
3:30pm - 4:30pm	Issue C16
4:30pm - 5:30pm	Issue C12, C21/V34, C24**

**October 17, 2003**

9:00am-10:00am	Issue C9
10:00am -11:00am	Issue C14
11:00am -12:00pm	Issue C18
12:00pm -1:00pm	Issue C25**
1:00pm - 2:00pm	Lunch Break
2:00pm -3:00pm	Issue C27
3:00pm -5:30pm	Buffer time to account for schedule slippage

\*Times are approximations and a 10-minute morning and afternoon break will be taken each day at an appropriate breaking point at the Arbitrator's discretion.

\*\*Commission staff questioning only